

REMARKS

By this Amendment After FINAL, Applicants cancel claims 2, 3, 22 and 23 and amend claims 1, 5-7, 9, 12-14 and 21. Claims 4, 8, 10, 11 and 15-20 remain as originally filed. Claims 24 and 25 were withdrawn from further consideration pursuant to the Response To Restriction Requirement filed June 17, 2003 (Paper No. 4). As a result, claims 1 and 4-21 are pending in the application.

Claim Rejections – 35 U.S.C. § 102

Pursuant to paragraphs 5 and 6 of the above-referenced Office Action, claims 1, 2, 4, 6-18 and 20-23 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,691,986 to Aberson, Jr. et al.. The Examiner asserts that Aberson, Jr. et al. identically discloses all of the limitations of the rejected claims.

Applicants respectfully traverse the rejection in view of the amended claims presented herein. As amended herein, independent claim 1 includes the additional limitations that the ferrule body *has an outer periphery and the forward end defines an end face between the passageway and the outer periphery*. Further, the fiber optic indicia are formed *on the end face defined by the forward end of the ferrule body*. Aberson Jr., et al. merely discloses circumferential lines designating a multiplicity of segments, markings (A and B) differentiating contiguous segments, and a continuous line 15 that runs parallel to the axis of the tubular stock. The circumferential lines, the markings and the continuous line are all formed *on the outer periphery of the tubular stock*. In contrast, the invention of claim 1 requires fiber optic indicia to be formed *on the end face defined by the forward end of the ferrule body* between the passageway and the outer periphery. It is readily apparent that the circumferential lines and the markings identifying contiguous segments, and the continuous line identifying the angular relationship between contiguous segments, must be formed on the outer periphery of the optical fiber plug disclosed by Aberson, Jr. et al. Otherwise, the information is not visible to cut, match and align the contiguous segments into mating connector pairs. In fact, placing the identifying

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information suggested by Aberson, Jr. et al. on the end faces of the contiguous segments would defeat the utility of the information. Thus, independent claim 1 is patentable. As amended herein, independent claims 9 and 21 directed to a method of marking a ferrule of a fiber optic assembly include the same patentable limitations as amended claim 1. Claim 2 is canceled. Claims 4 and 6-8 depend directly or indirectly from patentable base claim 1, and thus, are likewise allowable for at least the same reasons. Claims 10-18 and 20 depend directly or indirectly from patentable base claim 9, and thus, are likewise allowable for at least the same reasons. Claims 22 and 23 are canceled. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 1, 2, 4, 6-18 and 20-23 under 35 U.S.C. §102(b) as being anticipated by Aberson, Jr. et al.

Pursuant to paragraph 7 of the Office Action, claims 2-4, 6, 7, 10-12, 15-18, 20, 22 and 23 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,542,673 to Holter et al. The Examiner asserts that Holter et al. identically discloses all of the limitations of the rejected claims.

Applicants respectfully traverse the rejection in view of the amended claims presented herein and the Declaration and Second Declaration of the inventors submitted on November 12, 2003, and June 21, 2004, respectively. Independent claims 1 and 9 are patentable for at least the reasons stated hereinabove. Claims 2, 3, 22 and 23 are canceled. Claims 4, 6, 7, 10-12, 15-18 and 20 depend directly or indirectly from patentable base claims 1 and 9, and thus, are likewise allowable for at least the same reasons. Furthermore, the Declaration and the Second Declaration clearly establish that Applicants conceived and reduced to practice the inventions embodied in *at least* independent claims 1, 9 and 21 in this country prior to the earliest effective priority date (i.e., May 25, 1999) of the '673 patent. Exhibit A of the Declaration and the Second Declaration clearly shows that Applicants conceived and reduced to practice a ferrule for a fiber optic assembly and a method of marking a ferrule of a fiber optic assembly comprising fiber optic indicia associated with information about the fiber optic assembly formed on the end face of the ferrule. As a result, independent claims 1 and 9 are patentable for at least this additional reason, and dependent claims 4, 6, 7, 10-12, 15-18 and 20 are likewise allowable. Accordingly,

Applicants respectfully request the Examiner to withdraw the rejection of claims 4, 6, 7, 10-12, 15-18 and 20 under 35 U.S.C. §102(e).

Pursuant to paragraph 8 of the Office Action, claims 12 and 13 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0003934 to Clark. The Examiner asserts that Clark identically discloses all of the limitations of the rejected claims.

Applicants respectfully traverse the rejection in view of the amended claims presented herein and the Declaration and Second Declaration of the inventors submitted on November 12, 2003, and June 21, 2004, respectively. Independent claim 9 is patentable for at least the reasons stated hereinabove. Claims 12 and 13 depend directly or indirectly from patentable base claim 9, and thus, are likewise allowable for at least the same reasons. Furthermore, the Declaration and the Second Declaration clearly establish that Applicants conceived and reduced to practice the inventions embodied in *at least* independent claims 1, 9 and 21 in this country prior to the earliest effective priority date of the Clark publication. Exhibit A of the Declaration and the Second Declaration clearly shows that Applicants conceived and reduced to practice a method of marking a ferrule of a fiber optic assembly comprising fiber optic indicia associated with information about the fiber optic assembly formed on the end face of the ferrule. As a result, independent claim 9 is patentable for at least this additional reason, and dependent claims 12 and 13 are likewise allowable. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 12 and 13 under 35 U.S.C. §102(e).

Claim Rejections – 35 U.S.C. §103

Pursuant to paragraphs 9-11 of the Office Action, claims 3, 5 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable (obvious) over U.S. Patent 4,691,986 to Aberson, Jr. et al. The Examiner asserts that Aberson, Jr. et al. either identically discloses or fairly suggests all of the limitations of the rejected claims.

Applicants respectfully traverse the rejection in view of the amended claims presented herein. Independent claims 1 and 9 are patentable for at least the reasons stated hereinabove. Claims 5 and 19 depend directly or indirectly from patentable base claims 1 and 9, respectively, and thus, are likewise allowable for at least the same reasons. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 3, 5 and 19 under 35 U.S.C. §103(a).

Pursuant to paragraph 12 of the Office Action, claims 5, 8 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable (obvious) over U.S. Patent 6,542,673 to Holter et al.. The Examiner asserts that Holter et al. either identically discloses or fairly suggests all of the limitations of the rejected claims.

Applicants respectfully traverse the rejection in view of the amended claims presented herein and the Declaration and Second Declaration of the inventors submitted on November 12, 2003, and June 21, 2004, respectively. Independent claims 1 and 9 are patentable for at least the reasons stated hereinabove. Claims 5 and 8 depend directly or indirectly from patentable base claim 1, and thus, are likewise allowable for at least the same reasons. Claim 19 depends directly or indirectly from patentable base claim 9, and thus, is likewise allowable for at least the same reasons. Furthermore, the Declaration and the Second Declaration clearly establish that Applicants conceived and reduced to practice the inventions embodied in *at least* independent claims 1, 9 and 21 in this country prior to the earliest effective priority date (i.e., May 25, 1999) of the '673 patent. Exhibit A of the Declaration and the Second Declaration clearly shows that Applicants conceived and reduced to practice a ferrule for a fiber optic assembly and a method of marking a ferrule of a fiber optic assembly comprising fiber optic indicia associated with information about the fiber optic assembly formed on the end face of the ferrule. As a result, independent claims 1 and 9 are patentable for at least this additional reason, and dependent claims 5, 8 and 19 are likewise allowable. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 5, 8 and 19 under 35 U.S.C. §103(a).

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner to withdraw the rejections to the pending claims and to reconsider the application. This Amendment is fully responsive to the FINAL Office Action and places the application in condition for immediate allowance. Accordingly, Applicants respectfully request the Examiner to issue a Notice of Allowability for claims 1 and 4-21. The Examiner is encouraged to contact the undersigned directly to further the prosecution of any remaining issues, and thereby expedite allowance of the application.

This Amendment AFTER FINAL does not result in more independent or total claims than paid for previously. Accordingly, no fee for excess claims is believed to be due. The Examiner is hereby authorized to charge any fee due in connection with the filing of this response to Deposit Account No. 19-2167. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not already accounted for, such an extension is requested and the fee should also be charged to Deposit Account No. 19-2167.

Respectfully submitted,



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